

**Romben Aquino  
FERRO & CUCCIA  
100 LAFAYETTE STREET  
NEW YORK, NY 10013  
212-966-7775**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

**Ameen Nagi Saleh,  
Petitioner,**

**Civil Action  
Docket 08-cv-0076 (SAS)**

v.

**Andrea Quarantillo, et al.,  
Respondents.**

-----X

**DECLARATION OF ROMBEN AQUINO IN SUPPORT OF PETITIONER AMEEN  
NAGI SALEH'S MOTION FOR SUMMARY JUDGMENT**

I, Romben Aquino, declare as follows:

1. I am an associate in the law firm of Ferro & Cuccia and counsel to Petitioner Ameen Nagi Saleh in the above-captioned litigation. I submit this declaration to provide information and documents to the Court in support of Petitioner Saleh's Motion for Summary Judgment. I have personal knowledge of the facts and circumstances stated below.

2. Annexed as **Exhibit 1** is a true and correct copy of Petitioner Saleh's N-400 Application for Naturalization.

3. Annexed as **Exhibit 2** is a true and correct copy of Petitioner Saleh's alien registration card (a/k/a "green card").

4. Annexed as **Exhibit 3** is a true and correct copy of USCIS's May 31, 2007 decision denying Petitioner Saleh's N-400 Application.

5. Annexed as **Exhibit 4** is a true and correct copy of USCIS's December 20, 2007 decision denying Petitioner Saleh's N-336 Appeal.

6. Annexed as **Exhibit 5** are true and correct copies of dispositions of arrest relating to Petitioner Saleh.

7. Annexed as **Exhibit 6** are true and correct copies of affidavits regarding Petitioner Saleh's good moral character.

8. Annexed as **Exhibit 7** is a true and correct copy of excerpts from the deposition transcript of Ameen Nagi Saleh, dated March 26, 2008.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of August, 2008 at New York, New York.

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ROMBEN AQUINO

Department of Homeland Security  
U.S. Citizenship and Immigration Services

**N-400 Application  
for Naturalization**

Print clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black ink.

**Part 1. Your Name. (The Person Applying for Naturalization)**

**A. Your current legal name.**

Family Name (Last Name)

SALEH

Given Name (First Name)

Ameen

Full Middle Name (If applicable)

Nagi

**B. Your name exactly as it appears on your Permanent Resident Card.**

Family Name (Last Name)

SALEH

Given Name (First Name)

Ameen

Full Middle Name (If applicable)

Nagi

**C. If you have ever used other names, provide them below**

Family Name (Last Name)

None

Given Name (First Name)

Middle Name

**D. Name change (optional)**

Please read the Instructions before you decide whether to change your name.

1. Would you like to legally change your name?  Yes  No
2. If "Yes," print the new name you would like to use. Do not use initials or abbreviations when writing your new name.

Family Name (Last Name)

None

Given Name (First Name)

Full Middle Name

**Part 2. Information About Your Eligibility. (Check Only One)**

I am at least 18 years old AND

- A.  I have been a Lawful Permanent Resident of the United States for at least five years.
- B.  I have been a Lawful Permanent Resident of the United States for at least three years, and I have been married to and living with the same U.S. citizen for the last three years, and my spouse has been a U.S. citizen for the last three years.
- C.  I am applying on the basis of qualifying military service.
- D.  Other (Please explain) \_\_\_\_\_

Write your USCIS "A"- number here:  
A 091 750 886

**For USCIS Use Only**

Bar Code



Date Stamp

07 FEB 16 AM 8:55  
ST ALBANY NY  
RECEIVED  
CENTER DIRECT  
01/05/79

Action Block

01/26/2017

## Part 3. Information About You.

Write your USCIS "A" number here:  
A 091 750 886

A. U.S. Social Security Number	B. Date of Birth (mm/dd/yyyy)	C. Date You Became a Permanent Resident (mm/dd/yyyy)
616-18-6709	01/01/1940	12/01/1990
D. Country of Birth		E. Country of Nationality
Yemen		Yemen
F. Are either of your parents U.S. citizens? (If yes, see Instructions)		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
G. What is your current marital status?		
<input type="checkbox"/> Single, Never Married <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
<input type="checkbox"/> Marriage Annulled or Other (Explain) _____		
H. Are you requesting a waiver of the English and/or U.S. History and Government requirements based on a disability or impairment and attaching a Form N-648 with your application?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
I. Are you requesting an accommodation to the naturalization process because of a disability or impairment? (See Instructions for some examples of accommodations.)		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

If you answered "Yes," check the box below that applies:

I am deaf or hearing impaired and need a sign language interpreter who uses the following language: \_\_\_\_\_

I use a wheelchair.

I am blind or sight impaired.

I will need another type of accommodation. Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Part 4. Addresses and Telephone Numbers.

A. Home Address - Street Number and Name (Do not write a P.O. Box in this space)					Apartment Number
689 47th Street, 10th Avenue					
City	County	State	ZIP Code	Country	
New York		NY	10036	USA	
B. Care of Mailing Address - Street Number and Name (If different from home address)					Apartment Number
Same as above					
City	State	ZIP Code	Country		
C. Daytime Phone Number (If any)		Evening Phone Number (If any)	E-mail Address (If any)		
( 212 ) 768-8781		( 212 ) 768-8781	None		

(212) 245 0413 (1)

**Part 5. Information for Criminal Records Search.**Write your USCIS "A"- number here:  
A 091 750 886

NOTE: The categories below are those required by the FBI. See Instructions for more information.

**A. Gender** Male  Female**B. Height**

5 Feet 3 Inches

**C. Weight**

120 Pounds

**D. Are you Hispanic or Latino?** Yes  No**E. Race (Select one or more.)** White  Asian  Black or African American American Indian or Alaskan Native Native Hawaiian or Other Pacific Islander**F. Hair color** Black Brown Blonde Gray White Red Sandy Bald (No Hair)**G. Eye color** Brown Blue Green Hazel Gray Black Pink Maroon Other**Part 6. Information About Your Residence and Employment**

A. Where have you lived during the last five years? Begin with where you live now and then list every place you lived for the last five years. If you need more space, use a separate sheet(s) of paper.

Street Number and Name, Apartment Number, City, State, Zip Code and Country	Dates (mm dd yyyy)	
	From	To
Current Home Address - Same as Part 4.	05/2006	Present
2268 Grand Concourse, 1st Floor, Bronx, NY 10457	04/2005	05/2006
20-02 20th Avenue, College Point Blvd., Queens NY 11356	08/1999	04/2005

B. Where have you worked (or, if you were a student, what schools did you attend) during the last five years? Include military service. Begin with your current or latest employer and then list every place you have worked or studied for the last five years. If you need more space, use a separate sheet of paper.

Employer or School Name	Employer or School Address (Street, City and State)	Dates (mm dd yyyy)		Your Occupation
		From	To	
Retired		11/2006	Present	
Grocery Store	2268 Grand Concourse, Bronx, NY 10457	04/2005	11/2006	Helper
One Stop Grocery	20-002 20th Avenue, College Pt, NY 11356	08/1999	04/2005	Helper
		2	Work for relatives in the store	

**Part 7: Time Outside the United States**  
(Including Trips to Canada, Mexico and the Caribbean Islands)

Write your USCIS "A"- number here:  
A 091 750 886

A. How many total days did you spend outside of the United States during the past five years?

424 days

B. How many trips of 24 hours or more have you taken outside of the United States during the past five years?

3 trips

C. List below all the trips of 24 hours or more that you have taken outside of the United States since becoming a Lawful Permanent Resident. Begin with your most recent trip. If you need more space, use a separate sheet(s) of paper.

Date You Left the United States (mm/dd/yyyy)	Date You Returned to the United States (mm/dd/yyyy)	Did Trip Last Six Months or More?	Countries to Which You Traveled	Total Days Out of the United States
06/27/2006	11/23/2006	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Yemen	149
03/24/2003	07/22/2003	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Yemen	120
08/27/2001	01/29/2002	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Yemen	155
06/30/1997	02/14/1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yemen	229
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		

**Part 8: Information About Your Marital History.**

A. How many times have you been married (including annulled marriages)?  1 If you have never been married, go to Part 9.

B. If you are now married, give the following information about your spouse:

1. Spouse's Family Name (Last Name)

ALI

Given Name (First Name)

Jazyeh

Full Middle Name (If applicable)

2. Date of Birth (mm/dd/yyyy)

02/03/1961

3. Date of Marriage (mm/dd/yyyy)

03/05/1977

4. Spouse's U.S. Social Security #

None

5. Home Address - Street Number and Name

In Yemen

Apartment Number

City

State

Zip Code

**Part 8. Information About Your Marital History. (Continued)**Write your USCIS "A"- number here:  
A 091 750 886C. Is your spouse a U.S. citizen?  Yes  No

D. If your spouse is a U.S. citizen, give the following information:

1. When did your spouse become a U.S. citizen?

 At Birth Other

If "Other," give the following information:

2. Date your spouse became a U.S. citizen

3. Place your spouse became a U.S. citizen (Please see Instructions)

City and State

E. If your spouse is not a U.S. citizen, give the following information:

1. Spouse's Country of Citizenship

Yemen

2. Spouse's USCIS "A"- Number (If applicable)

A None

3. Spouse's Immigration Status

 Lawful Permanent Resident Other

F. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1-5 below.

1. Prior Spouse's Family Name (Last Name)

None

Given Name (First Name)

Full Middle Name (If applicable)

2. Prior Spouse's Immigration Status

 U.S. Citizen Lawful Permanent Resident Other

3. Date of Marriage (mm/dd/yyyy)

4. Date Marriage Ended (mm/dd/yyyy)

5. How Marriage Ended

 Divorce  Spouse Died  OtherG. How many times has your current spouse been married (including annulled marriages)?  1

If your spouse has ever been married before, give the following information about your spouse's prior marriage.

If your spouse has more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1 - 5 below.

1. Prior Spouse's Family Name (Last Name)

None

Given Name (First Name)

Full Middle Name (If applicable)

2. Prior Spouse's Immigration Status

 U.S. Citizen Lawful Permanent Resident Other

3. Date of Marriage (mm/dd/yyyy)

4. Date Marriage Ended (mm/dd/yyyy)

5. How Marriage Ended

 Divorce  Spouse Died  Other

## Part 9. Information About Your Children.

Write your USCIS "A"- number here:

A 091 750 886

A. How many sons and daughters have you had? For more information on which sons and daughters you should include and how to complete this section, see the Instructions.

5

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet(s) of paper.

Full Name of Son or Daughter	Date of Birth (mm/dd/yyyy)	USCIS "A"- number (if child has one)	Country of Birth	Current Address (Street, City, State and Country)
SALEH, Akeed Ameen	01/01/1984	A None	Yemen	With me
SALEH, Salwa Ameen	01/01/1984	A None	Yemen	In Yemen
SALEH, Haitham Ameen	03/05/1993	A None	Yemen	In Yemen
SALEH, Saliah Ameen	04/19/1999	A None	Yemen	In Yemen
SALEH, Jubran Amin	02/01/2004	A None	Yemen	In Yemen

Add Children

Go to continuation page

## Part 10. Additional Questions.

Please answer Questions 1 through 14. If you answer "Yes" to any of these questions, include a written explanation with this form. Your written explanation should (1) explain why your answer was "Yes" and (2) provide any additional information that helps to explain your answer.

## A. General Questions.

1. Have you ever claimed to be a U.S. citizen *(in writing or any other way)?*
2. Have you ever registered to vote in any Federal, state or local election in the United States?
3. Have you ever voted in any Federal, state or local election in the United States?
4. Since becoming a Lawful Permanent Resident, have you ever failed to file a required Federal state or local tax return?
5. Do you owe any Federal, state or local taxes that are overdue?
6. Do you have any title of nobility in any foreign country?
7. Have you ever been declared legally incompetent or been confined to a mental institution within the last five years?

Yes  No

**Part 10. Additional Questions. (Continued)**Write your USCIS "A" - number here:  
A 091 750 886**B. Affiliations.**

8. a. Have you ever been a member of or associated with any organization, association, fund foundation, party, club, society or similar group in the United States or in any other place?  Yes  No

b. If you answered "Yes," list the name of each group below. If you need more space, attach the names of the other group(s) on a separate sheet(s) of paper.

Name of Group	Name of Group
1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

9. Have you ever been a member of or in any way associated *either directly or indirectly* with:

a. The Communist Party?  Yes  No

b. Any other totalitarian party?  Yes  No

c. A terrorist organization?  Yes  No

10. Have you ever advocated *either directly or indirectly* the overthrow of any government by force or violence?  Yes  No

11. Have you ever persecuted *either directly or indirectly* any person because of race, religion, national origin, membership in a particular social group or political opinion?  Yes  No

12. Between March 23, 1933 and May 8, 1945, did you work for or associate in any way *either directly or indirectly* with:

a. The Nazi government of Germany?  Yes  No

b. Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany?  Yes  No

c. Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilante unit, citizen unit, police unit, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp or transit camp?  Yes  No

**C. Continuous Residence.**

Since becoming a Lawful Permanent Resident of the United States:

13. Have you ever called yourself a "nonresident" on a Federal, state or local tax return?  Yes  No

14. Have you ever failed to file a Federal, state or local tax return because you considered yourself to be a "nonresident"?  Yes  No

## Part 10. Additional Questions: (Continued)

Write your USCIS "A" - number here:  
A 091 750 886

## D. Good Moral Character.

For the purposes of this application, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer or attorney, told you that you no longer have a record.

15. Have you ever committed a crime or offense for which you were not arrested?  Yes  No

16. Have you ever been arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason?  Yes  No (2) *Arrests*

17. Have you ever been charged with committing any crime or offense?  Yes  No *Arrests*

18. Have you ever been convicted of a crime or offense?  Yes  No *Convicted*

19. Have you ever been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)?  Yes  No

20. Have you ever received a suspended sentence, been placed on probation or been paroled?  Yes  No *Probation*

21. Have you ever been in jail or prison?  Yes  No *Prison*

If you answered "Yes" to any of Questions 15 through 21, complete the following table. If you need more space, use a separate sheet of paper to give the same information.

Why were you arrested, cited, detained or charged?	Date arrested, cited, detained or charged? (mm dd yyyy)	Where were you arrested, cited, detained or charged? (City, State, County)	Outcome or disposition of the arrest, citation, detention or charge (No charges filed, charges dismissed, jail, probation, etc.)

Answer Questions 22 through 33. If you answer "Yes" to any of these questions, attach (1) your written explanation why your answer was "Yes" and (2) any additional information or documentation that helps explain your answer.

22. Have you ever:
 

- a. Been a habitual drunkard?  Yes  No
- b. Been a prostitute, or procured anyone for prostitution?  Yes  No
- c. Sold or smuggled controlled substances, illegal drugs or narcotics?  Yes  No
- d. Been married to more than one person at the same time?  Yes  No
- e. Helped anyone enter or try to enter the United States illegally?  Yes  No
- f. Gambled illegally or received income from illegal gambling?  Yes  No
- g. Failed to support your dependents or to pay alimony?  Yes  No

23. Have you ever given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal?  Yes  No

24. Have you ever lied to any U.S. government official to gain entry or admission into the United States?  Yes  No

**Part 10. Additional Questions. (Continued)**Write your USCIS "A"- number here:  
A 091 750 886**E. Removal, Exclusion and Deportation Proceedings.**25. Are removal, exclusion, rescission or deportation proceedings pending against you?  Yes  No26. Have you ever been removed, excluded or deported from the United States?  Yes  No27. Have you ever been ordered to be removed, excluded or deported from the United States?  Yes  No28. Have you ever applied for any kind of relief from removal, exclusion or deportation?  Yes  No**F. Military Service.**29. Have you ever served in the U.S. Armed Forces?  Yes  No30. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces?  Yes  No31. Have you ever applied for any kind of exemption from military service in the U.S. Armed Forces?  Yes  No32. Have you ever deserted from the U.S. Armed Forces?  Yes  No**G. Selective Service Registration.**33. Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any status except as a lawful nonimmigrant?  Yes  No

If you answered "NO," go on to question 34.

If you answered "YES," provide the information below.

If you answered "YES," but you did not register with the Selective Service System and are still under 26 years of age, you must register before you apply for naturalization, so that you can complete the information below.

Date Registered (mm:dd/yyyy)

Selective Service Number

If you answered "YES," but you did not register with the Selective Service and you are now 26 years old or older, attach a statement explaining why you did not register.

**H. Oath Requirements. (See Part 14 for the Text of the Oath)**

Answer Questions 34 through 39. If you answer "No" to any of these questions, attach (1) your written explanation why the answer was "No" and (2) any additional information or documentation that helps to explain your answer.

34. Do you support the Constitution and form of government of the United States?  Yes  No35. Do you understand the full Oath of Allegiance to the United States?  Yes  No36. Are you willing to take the full Oath of Allegiance to the United States?  Yes  No37. If the law requires it, are you willing to bear arms on behalf of the United States?  Yes  No38. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces?  Yes  No39. If the law requires it, are you willing to perform work of national importance under civilian direction?  Yes  No

**Part 11. Your Signature.**Write your USCIS "A"- number here:  
A 091 750 886

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information that the USCIS needs to determine my eligibility for naturalization.

Your Signature

Date (mm/dd/yyyy)

AMEEN, S. NAGI

**Part 12. Signature of Person Who Prepared This Application for You (If Applicable)**

I declare under penalty of perjury that I prepared this application at the request of the above person. The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the *exact* questions contained on this form.

Preparer's Printed Name

Joey Chee

Preparer's Signature

Date (mm/dd/yyyy)

01/19/2007

Preparer's Firm or Organization Name (If applicable)

Ferro &amp; Cuccia

Preparer's Daytime Phone Number

(212)966-7775

Preparer's Address - Street Number and Name

100 Lafayette Street, Suite 201

City

New York

State

NY

Zip Code

10013

**NOTE: Do not complete Parts 13 and 14 until a USCIS Officer instructs you to do so.**

**Part 13. Signature at Interview.**

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections, numbered 1 through 5 and the evidence submitted by me numbered pages 1 through 5, are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me

Officer's Printed Name or Stamp

5/16/07

Date (mm dd yyyy)

Complete Signature of Applicant

AMEEN, S. NAGI SILH

Officer's Signature

**Part 14. Oath of Allegiance.**

S

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following oath of allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

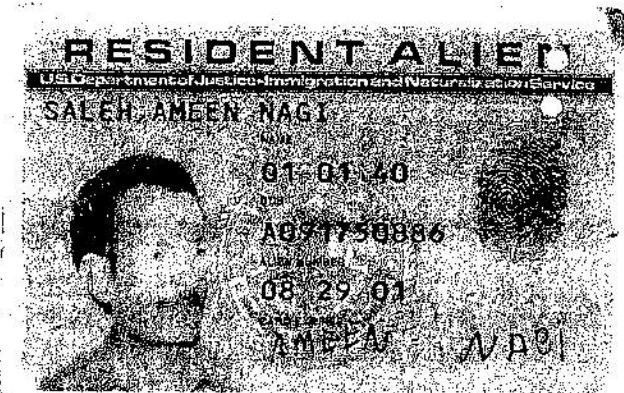
I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;  
 that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;  
 that I will bear true faith and allegiance to the same;  
 that I will bear arms on behalf of the United States when required by the law;  
 that I will perform noncombatant service in the Armed Forces of the United States when required by the law;  
 that I will perform work of national importance under civilian direction when required by the law; and  
 that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Printed Name of Applicant

AMEEN, S. NAGI SILH

Complete Signature of Applicant

AMEEN, S. NAGI SILH





**U.S. Citizenship  
and Immigration  
Services**

Direct all responses by mail to the office listed below:  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES  
26 Federal Plaza # USCIS 7th Fl Room Rm7700  
New York NY 10278

Ameen Nagi Saleh  
689 47th Street 10th Avenue  
New York NY 10036

**Refer to this file:** ESC\*001818453  
**Alien Number:** A 091 750 886  
**Date:** May 31, 2007

**DECISION**

On May 16, 2007, you appeared for an examination of your application for naturalization, which was filed in accordance with Section 316(A) of the Immigration and Nationality Act.

Pursuant to the investigation and examination of your application it is determined that you are ineligible for naturalization for the following reason(s):

**See Attachment(s)**

If you desire to request a review hearing on this decision pursuant to Section 336(a) of the Act, you **must** file a request for a hearing **within 30 Days** of the date of this notice. If no request for hearing is filed within the time allowed, this decision is final. A request for hearing may be made to the District Director, with the Immigration and Naturalization office which made the decision, on Form N-336, **Request for Hearing on a Decision in Naturalization Proceedings under Section 336 of the Act, together with a fee of \$265**. A brief or other written statement in support of your request may be submitted with the Request for Hearing.

Sincerely,

Andrea J. Quarantillo  
District Director

cc: Edward J Cuccia  
100 Lafayette Street Ste 201  
New York NY 10013



Form N-335

## Attachment(s) to Form N-335

Applicant: Ameen Nagi Saieh  
 Application for Naturalization, Form N-400  
 Alien Number: A091750886  
 Application ID: ESC\*001818453

Your application is hereby denied in accordance with the Title 8 Code of Federal Regulations Section(s) listed below:

**Reason:** Poor Moral Character (False Testimony, Lying)  
**CFR8 Reference:** Part 316 General Requirements for Naturalization  
 Section 316.10 Good Moral Character

General requirements for Naturalization as stated in Section 316.2 state, in part, that an alien must establish that he or she:

(7)For all relevant time periods under this paragraph, has been and continues to be a person of good moral character, attached to the principles of the Constitution of the United States, and favorably disposed toward the good order and happiness of the United States,

Section 316.10 states:

(a) Requirement of good moral character during the statutory period.

(1) An applicant for naturalization bears the burden of demonstrating that, during the statutorily prescribed period, he or she has been and continues to be a person of good moral character. This includes the period between the examination and the administration of the oath of allegiance.

(2) In accordance with Section 101(f) of the Act, the Service shall evaluate claims of good moral character on a case-by-case basis taking into account the elements enumerated in this section and the standards of the average citizen in the community of residence. The Service is not limited to reviewing the applicant's conduct during the five years immediately preceding the filing of the application, but may take into consideration, as a basis for its determination, the applicant's conduct and acts at any time prior to that period, if the conduct of the applicant during the statutory period does not reflect that there has been reform of character from an earlier period or if the earlier conduct and acts appear relevant to a determination of the applicant's present moral character.

(b) Finding of a lack of good moral character.

(3) Unless the applicant establishes extenuating circumstances, the applicant shall be found to lack good moral character if, during the statutory period, the applicant:

(iii) Committed unlawful acts that adversely reflect upon the applicant's moral character, or was convicted or imprisoned for such acts, although the acts do not fall within the purview of 316.10(b)(1) or (2).

**Explanation:**

On February 16, 2007, you filed an Application for Naturalization (Form N-400) under § 316 of the Immigration and Nationality Act. On May 16, 2007, you presented yourself before an officer of the United States Citizenship and Immigration Services (hereinafter "CIS") for the purpose of being examined, in connection with your application, under the procedures established by the Immigration and Nationality Act (hereinafter "INA") and Title 8, Code of Federal Regulations.

Your interview began on May 16, 2007, with the administration of the prescribed oath. Pursuant to the investigation and examination of your application, the evidence submitted in support thereof, and your testimony, the CIS has determined that you have failed to establish your eligibility for naturalization. During the interview you testified that you were arrested four times, the first on January 29, 1994 for 265.02 Criminal possession of a

weapon in the third degree, 265.01 Criminal possession of a weapon in the fourth degree, 220.50 Criminally using drug paraphernalia, these charges were dismissed by motion of the District Attorney. The three following arrest you testified were all for the same charges two counts of Tax 18140, and one count of Tax 18170, on November 15, 2005 you were arrested for the above charges and were given a one year conditional discharge, you were also arrested on January 13, 2006 for the same charge, and a third time on April 14, 2006, for all three of these arrests you pled guilty to 240.20 disorderly conduct. When questioned about the above arrests you testified that you had been arrested for selling illegal cigarettes. Good moral character is measured on a case by case basis taking into account the standards of the average citizen, as such you have shown a blatant disregard for the laws of the United States as you have not once but three times been arrested for violating the Tax laws of this country.

Therefore, you have not established your eligibility for naturalization under the provisions of § 316 of the INA. Your application is hereby denied. This denial is without prejudice to your filing an application for naturalization when you become eligible under the applicable provisions of the INA.

165- 4/06  
4/06  
4/06



A#: 091750886

Date:

DEC 20 2007

Ameen Nagi Saleh  
689 47<sup>th</sup> Street 10<sup>th</sup> Ave.  
New York, NY 10036

### **DECISION ON REVIEW OF DENIAL OF NATURALIZATION APPLICATION**

The record shows a submitted Request for Hearing on a Decision in Naturalization Proceedings Under Section 336 of the Act on 6/20/07.

Upon consideration it is determined that the decision previously entered into the record shall be upheld and the application of record denied in that:

8CFR Section 316.2(b) states in part:

"The applicant shall bear the burden of establishing by preponderance of evidence that he or she meets all the requirements for naturalization..."

Also, Section 316 [8 USC 1427] of the Immigration and Nationality Act states:

"(a) No person . . . shall be naturalized, unless such applicant (1) immediately preceding the filing of his application for naturalization, has resided continuously, after being lawfully admitted for permanent residence, within the United States for five years . . . and (3) during all periods referred to in this subsection has been and still is a person of good moral character . . ."

Also, 8 CFR Section 316.10(b)(3) indicates:

" . . . an application [for naturalization] shall be found to lack good moral character if, during the statutory period, the applicant:

(iii) Committed unlawful acts that adversely reflect upon the applicants moral character . . ."

A hearing, which began with the prescribed oath, was scheduled for 12/5/07, to review the decision to deny your Application for Naturalization. You were denied for a Lack of Good Moral Character because you were arrested and found guilty on three separate occasions within the statutory period upon filing for naturalization. You were arrested on November 15, 2005, January 13, 2006 and again on April 14, 2006 for evading the tax on selling cigarettes. You pleaded guilty to disorderly conduct. When sentenced on the November 2005 arrest you were given a one year conditional discharge yet you ignored that condition and was arrested twice within the year for the same offense. You have shown no reformation of character and in fact have shown a callous disregard for the laws of the United States. You have been convicted of three offenses within the statutory period and are unable to demonstrate Good Moral Character at this time.

Accordingly, after careful review of the record and all relevant statutes, the decision to deny the application for naturalization must remain unchanged. A review of this decision may be sought after before a United States District Court pursuant to Section 310(c) of the Immigration and Nationality Act.

Section 310(c) of the Immigration and Nationality Act states:

Sincerely,

Andrea J. Quarantillo (rc)  
Director Services  
Cc:Edward J.Cuccia,Esq.  
100 Lafayette St. Ste.201  
New York, NY 10013

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORKTHE PEOPLE OF THE STATE OF NEW YORK  
VS

SALEH, AMEEN

Defendant

322 MANHATTEN AV

Address:

NYC  
City

NY

State Zip

Docket Number: 94N006988

265.02 265.01 220.50

Arraignment Charges

CERTIFICATE OF DISPOSITION  
NUMBER: 51870

01/01/1941

Date of Birth

7590929L

NYSID Number

01/29/1994

Date of Arrest/Issue

Summons No.:

## Case Disposition Information:

Date	Court Action	Judge	Part
04/28/1994	DISMISSED - MOTION OF DA	GROSS, M	F

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.

CUNNINGHAM, D  
COURT OFFICIAL SIGNATURE AND SEAL

01/19/2007

DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

SEARCHED  
SEALED

SUSPENDED PURSUANT TO SECTION 700.60 of the CRIMINAL Procedure Law

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

THE PEOPLE OF THE STATE OF NEW YORK  
VS

NAGI, AMEEN  
Defendant

689 AMSTERDAM AVE  
Address

MANHATTAN NY  
City State Zip

Docket Number: 2005BX063750

TAX 18140 TAX 18140 TAX 18170  
Arraignment Charges

CERTIFICATE OF DISPOSITION  
NUMBER: 56544

01/01/1940  
Date of Birth

9912717L  
NYSID Number

11/15/2005  
Date of Arrest/Issue

Summons No:

Case Disposition Information:

Date	Court Action	Judge	Part
01/19/2006	PLEA: GUILTY & SENTENCE IMPOSED PG 240.20 CONDITIONAL DISCHARGE=1Y	BIRNBAUM, A	APAP2

**SEALED**  
**AFTER CONVICTION**

*\* Pursuant to Section 160.55 of the C*

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN  
THIS COURT.

TURNBULL, V  
COURT OFFICIAL SIGNATURE AND SEAL

01/24/2007  
DATE FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT  
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONXTHE PEOPLE OF THE STATE OF NEW YORK  
VSNAGI, AMEEN

Defendant

2268 GRAND CONCOURSE

Address

BRONX NY  
City State Zip

Docket Number: 2006BX002392

TAX 18140 TAX 18140 TAX 18170

Arraignment Charges

CERTIFICATE OF DISPOSITION  
NUMBER: 4886601/01/1940

Date of Birth

9508711R

NYSID Number

01/13/2006

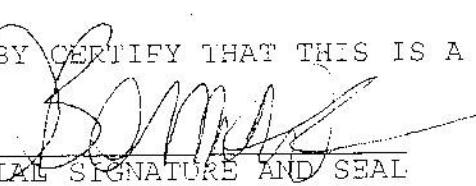
Date of Arrest/Issue

Summons No:

## Case Disposition Information:

Date	Court Action	Judge	Part
01/19/2006	PLED GUILTY & SENTENCE IMPOSED PG 240.20 \$50 JDORD	BIRNBAUM, A	APAR2

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN  
THIS COURT.

BENNETT, D.   
COURT OFFICIAL SIGNATURE AND SEAL

04/07/2006

DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT  
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CERTIFICATE OF DISPOSITION - MISDEMEANOR/VIOLATION

DATE: 01/09/2007

CERTIFICATE OF DISPOSITION NUMBER: 12683

PEOPLE OF THE STATE OF NEW YORK  
VS.

NAGI, AMEEN  
SALEH, AMEEN N (AKA)

CASE NUMBER: 20066C-2006  
LOWER COURT NUMBER (S): 2006BX020066  
DATE OF ARREST: 04/14/2006  
ARREST #: B06625715  
DATE OF BIRTH: 01/01/1940

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS  
ON FILE IN THIS OFFICE THAT ON 06/12/2006 THE ABOVE NAMED DEFENDANT WAS  
CONVICTED OF THE VIOLATIONS(S) BELOW BEFORE JUSTICE VILLEGRAS, G THEN A  
JUSTICE OF THIS COURT.

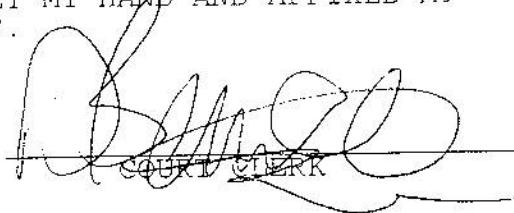
DISORDERLY CONDUCT PL 240.20 00 V

THAT ON 06/12/2006, UPON THE AFORESAID CONVICTION BY PLEA THE HONORABLE  
VILLEGRAS, G THEN A JUDGE OF THIS COURT, SENTENCED THE DEFENDANT  
TO

DISORDERLY CONDUCT PL 240.20 00 V  
\$ = \$100

TOTAL FINE = \$100 (PAID)  
CVAF = \$20 (PAID)  
SURCHARGE = \$75 (PAID)

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY  
OFFICIAL SEAL ON THIS DATE 01/09/2007.

  
COURT CLERK

STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

I, Hassan Kassim, being duly sworn, depose and state,

THAT I was born on July 14, 1981 in Yemen.

THAT I reside at 250 Bradhurst Avenue, New York, NY 10039.

THAT I am a citizen of the United States.

THAT I am a good friend of Ameen Nagi SALEH.

THAT my phone number is (646) 996-4060.

THAT I have known Ameen for over a little less than ten years. I had met Ameen years ago when we were still living in Yemen. We were from the same city. When I came to the United States I reunited with Ameen.

THAT when I came to the United States I worked with Ameen. I realized that he is a very generous person. He is very caring especially for the younger crowd. He is like an uncle to me. I see him very often.

THAT he always makes sure we are doing all right. He looks out for us. Anytime we are in need he will try his best to help us.

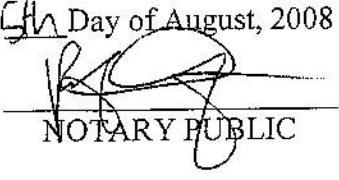
THAT I have learned many things from Ameen. He has taught me a lot about life. He tells me that it is very important to be a good person.

THAT I know that Ameen is a man of good moral character. He is a good man and I respect him a lot.



Hassan Kassim

Sworn to before me on this  
14 Day of August, 2008



NOTARY PUBLIC

ROMLEN E. AQUINO  
Notary Public, State of New York  
No. 02AQ6134339  
Qualified in New York County  
Commission Expires Sept. 26, 2009

STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

I, Morshed, A, D, ALRABYAI, being duly sworn, depose and state,

THAT I was born on January 1, 1981 in Yemen.

THAT I reside at 1890 Archer Street, Bronx, New York 10462.

THAT I am a citizen of the United States.

THAT my phone number is (347) 415-9007.

THAT I am a good friend of Ameen Nagi SALEH. I have known Ameen over ten years.

THAT I used to work with Ameen. I knew Ameen when we were still in Yemen. We have remained good friends over the years.

THAT I know that he is a very generous person.

THAT I know that Ameen works very hard to send money back home. He tries to help other people other than his family. I have known him for a very long time and I have come to think of him as my family.

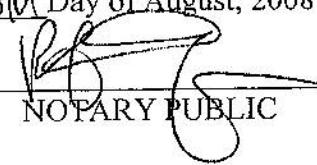
THAT I know that he has a lot of friends because he treats everybody with respect and they respect him in return.

THAT I know that Ameen is a good man. He would never do anything bad because he always tells me to live an honest life. I take his words of wisdom very seriously because I know that he is a good man and he would never do anything to hurt anyone.



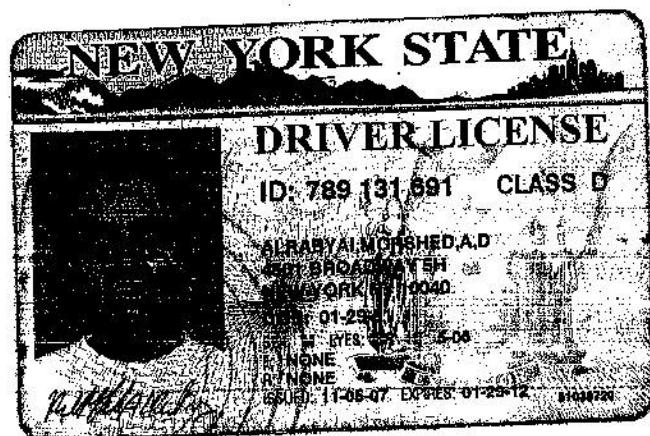
Morshed, A, D, ALRABYAI

Sworn to before me on this  
5th Day of August, 2008



NOTARY PUBLIC

RONALD E. AQUINO  
Notary Public, State of New York  
No. 02AQ6134339  
Qualified in New York County  
Commission Expires Sept. 26, 2009



STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

I, Noraldain A. ALDAYLAM, being duly sworn depose and state:

THAT I am a Naturalized Citizen of the United States.

THAT I reside at 1890 Archer St. Bronx NY 10462.

THAT I was born on May 05, 1966.

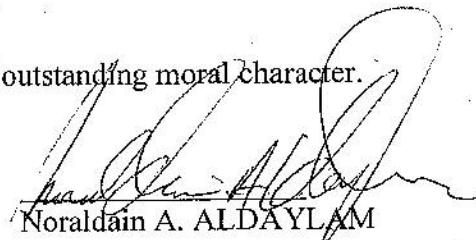
THAT my phone number is 718-824 3486.

THAT I have known Ameen Nagi SALEH for almost seven years. We are lived close to each other. We are very good friends.

THAT I know Ameen Nagi SALEH is a person of good moral character. He has a great attitude toward people. He never has a problem with anyone. He always looks out for his friends and family.

THAT Ameen Nagi SALEH is always there for me when I need him. He is a selfless person. I have no doubt that he will do whatever he can to help me. I can depend on him for anything. I am grateful to have him as a friend.

THAT I know Ameen Nagi SALEH is a person of outstanding moral character.



Noraldain A. ALDAYLAM

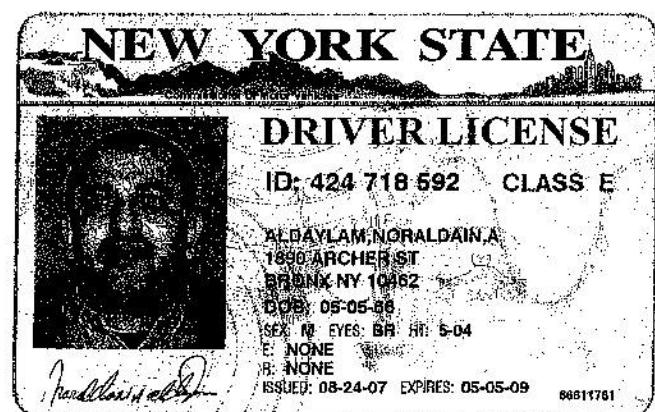
Sworn to before me on

August 5, 2008



Notary Public

CHADEN E. AGUINO  
Notary Public, State of New York  
Reg. #2ACQ6134239  
Qualified in New York County  
Valid: June 2009 - Sept. 16, 2009



STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

I, Ali H. AHMED, being duly sworn depose and state:

1. I am a naturalized citizen of the United States.
2. I was born on September 18, 1959.
3. I reside at 451 West 44th Street, Apt. 21, New York, NY 10036.
4. My telephone number is 646-460-4077.

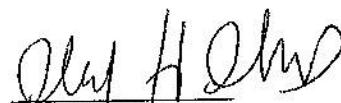
5. I have known Ameen Nagi SALEH for almost 10 years. We are from the same village. We are practically neighbors.

6. I know Ameen is a person of good moral character. He works very hard in the United States and sends money to his family in Yemen. He always tells me that his family comes first.

7. I know that Ameen is a well respected member of our Yemeni community. Everyone has such high respect for him. Sometimes when new members from Yemen arrive in the United States, Ameen always offers to help them get situated and show them around New York.

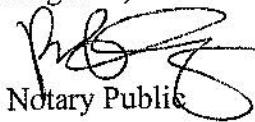
8. I know that if there is something that I need and I ask Ameen for help, I am very sure that Ameen would help me without any questions asked. He is that kind of person. I know that he has helped a lot of our mutual friends in the past.

9. I have known Ameen for such a long time, and I know that he is a person of outstanding moral character.

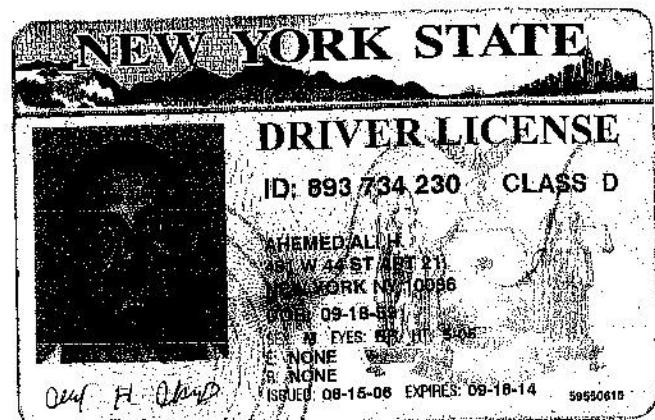
  
Ali H. AHMED

Sworn to before me

August 5, 2008

  
Notary Public

ROBERT M. ALBINO  
Notary Public, State of New York  
No. 02464133239  
Qualified to Notarize  
Certificates issued from 01/01/09



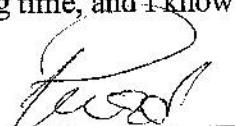
STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

I, Fuad A. HIMED, being duly sworn depose and state:

1. I am a naturalized citizen of the United States.
2. I was born on September 1, 1975.
3. I reside at 2013 5th Avenue, Apt. D53, New York, NY 10035.
4. My telephone number is 646-436-8689.
5. I have known Ameen Nagi SALEH for a very long time. He is married to my sister.
6. I know Ameen is a very hard worker and he takes good care of his family. He always puts his family before himself. I know that Ameen treats my sister with the love and respect that she deserves.
7. I know that if there is something that I need and I ask Ameen for help, I am very sure that Ameen would help me without any questions asked. He is that kind of person. I know that he has helped a lot of our mutual friends in the past.
8. I know that Ameen is a person of good moral character. I am very honored to know him. I only hope that there are more people in this world that are like Ameen.
9. Sometimes Ameen and I would go to restaurants to get Yemeni food and Ameen would always offer to pay for the meal. He is very courteous and always looks after others. He sets good examples for his family and his friends.
10. I have known Ameen for such a long time, and I know that he is a person of outstanding moral character.



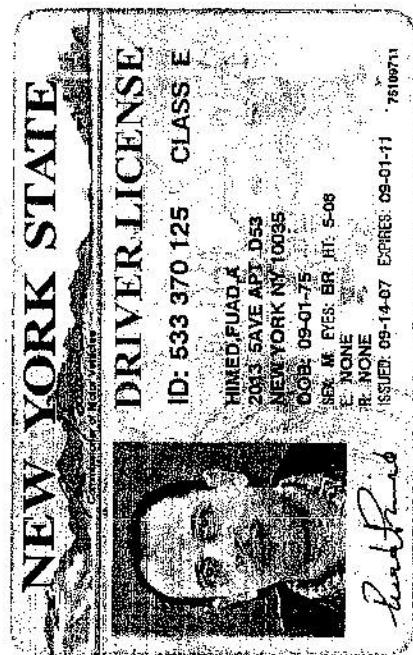
Fuad A. HIMED

Sworn to before me  
August 5, 2008



Notary Public

ROBINSON R. AQUINO  
Notary Public, State of New York  
N.Y. #CAG05130169  
Qualified in New York City  
Notary Public since 1989



2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 AMEEN NAGI SALEH,  
5 A91-750-886

6 Petitioner,

7 -against-

8 ANDREA J. QUARANTILLO, in her Official : Civ. No.  
9 Capacity as District Director, : 08 Civ. 0076  
U.S. Citizenship & Immigration Services; : (SAS) (MHD)  
U.S. CITIZENSHIP & IMMIGRATION SERVICES, :

10 Respondents.

11  
12 DEPOSITION of AMEEN NAGI SALEH, taken through  
13 Arabic translator FARID E. BOTROS by Respondents at  
14 the offices of the U.S. Department of Justice, U.S.  
15 Attorney's Office, 86 Chambers Street, 3rd Floor, New  
16 York, New York, on Wednesday, March 26, 2008,  
17 commencing at 10:16 o'clock a.m., before Debra  
18 DiBenedetto, a Shorthand (Stenotype) Reporter and  
19 Notary Public within and for the State of New York.

21  
22  
23  
24  
25

FINK & CARNEY

REPORTING AND VIDEO SERVICES

39 West 37th Street, 6th Floor, New York, N.Y. 10018 (212) 869-1500

1  
2 A P P E A R A N C E S:

3  
4 LAW OFFICES OF FERRO & CUCCIA  
5 Attorneys for Petitioner  
6 100 Lafayette Street, Suite 201  
7 New York, New York 10013

8  
9  
10 BY: ROMBEN E. AQUINO, Esq., of Counsel  
11

12  
13 DEPARTMENT OF JUSTICE  
14 UNITED STATES ATTORNEY FOR THE  
15 SOUTHERN DISTRICT OF NEW YORK  
16 Attorneys for Respondents  
17 86 Chambers Street, Third Floor  
18 New York, New York 10007

19 BY: NATASHA OELTJEN, Esq., of Counsel  
20 PATRICIA BUCHANAN, Esq., of Counsel  
21

22 ALSO PRESENT: Farid E. Botros, Arabic Translator  
23  
24  
25

1 .Saleh

2 or less, they give us a paper to go to court.

3 Q And did you get a lawyer before you  
4 went to court?

5 A They appointed -- a lawyer appointed  
6 by the court. They only give me an interpreter.

7 Q When you went to court were you  
8 given a court appointed lawyer?

9 A I only went because of the paper  
10 that I received.

11 Q And what did the paper tell you?

12 A The paper said you should appear  
13 such and such date and such and such hour.

14 Q Did you talk to a lawyer before you  
15 went to court?

16 A I did not speak to anyone. The  
17 interpreter interpret to the lawyer, the lawyer is  
18 from the court. That's it.

19 Q Did you and the interpreter ever  
20 talk to the lawyer?

21 A They give me the interpreter when I  
22 entered the court.

23 Q Did you ever talk to the lawyer?

24 A No, I only talk to the interpreter,  
25 the interpreter talk to the lawyer, the

1 Saleh

2 came in?

3 A They told me go there.

4 Q Were they speaking to you in  
5 English?

6 A He talked to me in English, sometime  
7 I understood, a lot of time I did not.

8 Q Did the other person who works in  
9 the store, did he speak English?

10 A No, like me, when I left I locked  
11 the store.

12 Q Did they take you both to the police  
13 station?

14 A They did not take him, they took me  
15 because I was sitting in the door. I was like a  
16 guard.

Q Did they put you in the police car?

18 A Yeah, when I got out they handcuffed  
19 me and they had me in the car.

20 Q Did they tell you why they were  
21 taking you to the police station?

22 A They told me we're taking you over  
23 there, if you're gonna get jailed, you're gonna  
24 get jailed, they told me because of cigarette.

25 Q What did they say about the



1 Saleh

2 when I was charged with possession of the gun.

3 Q That's a separate charge I'm going  
4 to ask you about later.

5 A Okay.

6 Q How many times did you go to court  
7 because of the January 13th, 2006 arrest?

8 A Twice.

9 Q What happened the first time?

10 A He asked me are you a criminal, I  
11 said no, I have kids, I'm not criminal.

12 Q Who asked you this?

13                   A        The lawyer -- no, the lawyer asked  
14                   me and the interpreter, interpret for the lawyer.  
15                   And told the judge guilty or no, I told not  
16                   guilty, I did not understand what was going on. I  
17                   no speak English.

18 Q But you had an interpreter?

19 A I had the interpreter but every time  
20 they get me different interpreter.

21 Q Did you understand the interpreter?

22 A Sometime I understand him, sometime  
23 I don't.

24 Q On January 19th, when you went to  
25 court, you had an interpreter?

1 | Saleh

2 cigarettes?

3                   A        They said I sold cigarette. I told  
4                   them no, I did not sell cigarette. And in court,  
5                   in court, they ask me did you sell cigarette, I  
6                   said no. I don't know what they put down. I  
7                   don't know what they wrote, but I told them I'm  
8                   not selling cigarette.

9 Q Did you and Tawfic have to go to  
10 court on the same day, or did you go to court on  
11 different days?

12 A Different, I did not go with him.

13 Q Did you have a lawyer?

14 A They give me one of their lawyer and  
15 they give me one of their interpreter, a Moroccan  
16 interpreter, I don't understand him. Everything,  
17 he tells me just say okay.

18 O Did you understand anything he said?

19 A I did not understand. Sometime I  
20 understand, sometime I don't understand.

21 O Did you ask for another interpreter?

22 A No, no, they are the one who assign  
23 the interpreter, not me.

24 Q Did you ask them to assign a  
25 different interpreter?

Saleh

74

2 A No.

3 Q So how many times did you go to  
4 court for this arrest?

5 A Three times -- four times.

6 Q How many times did you go to court  
7 after the April 14th arrest?

8 A Twice.

9 Q And what happened on the first of  
10 those times?

11 A Nothing happened, every time they  
12 give me a lawyer.

13 Q And what did the lawyer do?

14 A He talked to the interpreter and the  
15 interpreter tells me.

16 Q What does he tell you?

17 A Sometime I understood the  
18 interpreter, sometime I don't understand him. He  
19 tells me say okay and I say okay.

20 Q What happened at the end of the  
21 hearing?

22 A Nothing happened after that day.

23 THE INTERPRETER: So I told  
24 him, on the day of. Can we ask for a  
25 break please, I'm getting tired.